IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

RSA.No. 798 of 2007()

AS.237/2004 of II ADDL.DISTRICT COURT,ERNAKULAM
OS.1946/2001 of II ADDL.M.C., ERNAKULAM
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APPELLANT/APPELLANT/DEFENDANT:

A.G.JOSEPH, S/O.GEORGE, AGED 53 YEARS,
ARACKAL HOUSE, BOLGHATTY, ERNAKULAM.

BY ADV. SRI.JOSHI N.THOMAS
SRI.A.L.GEORGE

RESPONDENT:RESPONDENT/PLAINTIFF:

T.M.NANDANAN,
S/O.LATE MAKKEY, AGED 51 YEARS,
THANATHARAYIL HOUSE, EROOR DESOM,
NADAMA VILLAGE, KANAYANNUR TALUK.

BY

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

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R.S.A. NO. 798 OF 2007

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Dated this the 29th day of November, 2007

JUDGMENT

As petition filed to condone the delay (C.M.Appl.572/2007) was dismissed, appeal dismissed as barred by time. Under sub section (1) of Section 66 of Kerala Court Fees and Suit Valuation Act, when an appeal is rejected on the ground of delay, appellant is entitled to get refund of the fee paid on the memorandum of appeal. Hence refund the court fee paid in the appeal memorandum.

M.SASIDHARAN NAMBIAR
JUDGE

tpl/-

M.SASIDHARAN NAMBIAR, J.

W.P.(C).NO. /06

JUDGMENT

SEPTEMBER,2006